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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,495	09/15/2003	Gregory C. Kime	42P16735	2438

8791 7590 02/20/2007
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EXAMINER

NGUYEN, MINH DIEU T

ART UNIT	PAPER NUMBER
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2137

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/20/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/663,495

Applicant(s)

KIME ET AL.

Examiner

Minh Dieu Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 16-19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. This action is in response to the communication dated 11/20/2006 with the cancellation of claims 16-19.
2. Claims 1-15 are pending.

Response to Arguments

3. Applicant's arguments filed 11/20/06 have been fully considered but they are not persuasive. The applicant argues that Ballai does not teach comparing at least a subset of information received from a wired network device with information previously stored to determine if a rogue access point is present. The examiner respectfully disagrees, Ballai discloses authorized APs 10-30 may be connected directly to the server 70 (see Ballai: col. 2, lines 5-6), each of the authorized APs 10-30, the server 70 may include a database of authorized devices and/or users (see Ballai: col. 2, lines 28-30) and for example if a beacon received having AP not manufactured by the XYZ corporation in the database of server, then it is determined that AP is an unauthorized, rogue AP (see Ballai: col. 3, lines 40-51).

The applicant argues that Ballai does not teach comparing at least a subset of information received in a security report from a legitimate access point with information previously stored to determine if a rogue access point is present. The examiner respectfully disagrees, Ballai discloses other criteria besides manufacturer identification of AP may be expanded to check the entire media access control (MAC) address or

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service set identification (SSID) (i.e. information received in a security report) to detect the present of a rogue AP (see Ballai: col. 3, lines 51-67). Ballai does not teach away from claim 2 as applicant submits, the record of information in the "set trap" procedure is for tracking the rogue, unauthorized AP once it is detected.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Ballai (7,068,999).

a) As to claims 1, 6 and 11, Ballai meets the claimed limitations as follows:

"A method comprising: comparing at least a subset of information received from a wired network device with information previously stored to determine if a rogue access point is present" see col. 3, lines 32-67.

b) As to claims 2, 7 and 12, Ballai meets the claimed limitations as follows:

"The method of claim 1, wherein comparing at least a subset of information received from a wired network device with information previously stored to determine if a rogue

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access point is present comprises: comparing at least a subset of information received in a security report from a legitimate access point with information previously stored to determine if a rogue access point is present" see col. 3, lines 13-17.

c) As to claims 3, 8 and 13, Ballai meets the claimed limitations as follows: "The method of claim 1, wherein comparing at least a subset of information received from a wired network device with information previously stored to determine if a rogue access point is present comprises: comparing at least a subset of client network traffic received with information previously stored to determined if a rogue access point is present" see col. 3, lines 19-21.

d) As to claims 4, 9 and 14, Ballai meets the claimed limitations as follows: "The method of claim 1, further comprising: initiating countermeasures against rogue access points determined to be present" see col. 4, lines 28-31.

e) As to claims 5 and 10, Ballai meets the claimed limitations as follows: "The method of claim 4, wherein initiating countermeasures against rogue access points determined to be present comprises: denying of service to rogue access points and/or clients connected to rogue access points determined to be present" see col. 4, lines 33-34.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Minh Dieu Nguyen whose telephone number is 571-272-3873.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on 571-272-3865. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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A handwritten signature in cursive script, appearing to read 'nduyenthu'.

EMMANUELLE L. MOISE
SUPERVISORY PATENT EXAMINER